

BK1006327  
SAB

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT COLUMBUS

IN RE:

Dennis Ritter  
Sharon Ritter

Debtors

Case No. 10-57760

Chapter 7

Judge Caldwell

**MOTION OF FEDERAL HOME LOAN  
MORTGAGE CORPORATION FOR  
RELIEF FROM STAY  
(PROPERTY ADDRESS: 212  
OAKCREST COURT, RUSSELLS  
POINT, OH 43348)**

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Federal Home Loan Mortgage Corporation (the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy. In support of this Motion, the Movant states:

**MEMORANDUM IN SUPPORT**

- 1 The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
- 2 A copy of the Deed to the subject property is attached hereto as Exhibit "A". On April 27, 2001,

the debtors listed above (collectively, the "debtors") obtained a loan from Miami Valley Bank in the amount of \$107,640.00. Such loan was evidenced by a promissory note dated April 27, 2001, (the "Note"), a copy of which is attached as Exhibit "".

- 3 To secure payment of the Note and performance of the other terms contained in it, the debtors executed a Mortgage dated April 27, 2001 (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the debtors, located at 212 Oakcrest Court, Russells Point, OH 43348 and more fully described in the Security Agreement.
- 4 The lien created by the Security Agreement was duly perfected by the filing of the Security Agreement in the Office of the Logan County Recorder on May 1, 2001. A copy of the Security Agreement is attached to this motion as Exhibit "C". The lien is the First lien on the Collateral.
- 5 The Note and Security Agreement were transferred as follows:

The Miami Valley Bank endorsed the Note in blank to Movant herein as evidenced by the blank endorsement on the Note. See Exhibit "".

The Mortgage was transferred from Miami Valley Bank, by FHLMC its attorney in fact to Federal Home Loan Mortgage Corporation as evidenced by the assignment recorded on July 22, 2009 as evidenced by the document attached hereto as Exhibit "D".

- 6 The value of the Collateral is \$101,300.00. This valuation is based on the Logan County Auditor's Records.
- 7 As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$84,529.78, plus interest accruing thereon at the rate of 7.0% per annum (\$15.34 per day) from July 27, 2010.

- 8 Other parties who may have an interest in the Collateral are

Bac Home Loans Servicing by virtue of a second mortgage upon which the amount due is approximately \$51,451.00.

Logan County Treasurer by virtue of real estate taxes due and owing on the property upon which the total amount due is unknown.

American Express Centurion Bank by virtue of a certified judgment lien upon which the amount due is unknown.

Midland Funding by virtue of a certified judgment lien upon which the amount due is unknown.

General Audit Corporation by virtue of a certified judgment lien upon which the amount due is unknown.

U.S. Bank National Association by virtue of a certified judgment lien upon which the amount due is unknown.

- 9 The Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reasons:

Debtors have failed to provide adequate protection for the lien held by the Movant for the reasons set forth below.

This case is a Chapter 7 wherein debtor is in default for payment on the mortgage loan wherein the last payment was applied to the payment due for the month of October, 2009 and there is no equity for the benefit of the estate.

- 10 This Motion does not seek to affect the rights of the Chapter 7 Trustee.

- 11 Pursuant to LBR 4001-1(a)(1) Movant has completed the Exhibit and Worksheet attached hereto as Exhibit "E".

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such

other and further relief to which the Movant may be entitled.

/s/ Ronald C Taylor

Ronald C Taylor, Case Attorney

LERNER, SAMPSON & ROTHFUSS

Bar Registration No. 0083298

Amy D. Vogel, Esq.

Bar Registration No. 0075169

Attorneys for Movant

PO Box 5480

Cincinnati, OH 45201-5480

(513) 241-3100 ext. 3472

(513) 354-6464 fax

sohbk@lsrlaw.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, Federal Home Loan Mortgage Corporation, was electronically transmitted on July 26, 2010 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

Brandon Russell Cogswell, Esq.  
214 S. Court St.  
Marysville, OH 43040  
flslaw@gmail.com

Sara J. Daneman, Trustee  
62 Mill Street  
Gahanna, OH 43230  
sjdtrust2000@yahoo.com

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
ustpreion09.cb.ecf@usdoj.gov

The undersigned certifies that a copy of the foregoing Motion for Relief From Stay of the secured creditor, Federal Home Loan Mortgage Corporation, was transmitted on July 26, 2010 via regular U.S. mail, postage pre-paid:

Dennis Ritter  
5777 State Rt. 366  
Huntsville, OH 43324

Sharon Ritter  
5777 State Rt. 366  
Huntsville, OH 43324

Bac Home Loans Servicing  
450 American Street  
Simi Valley, CA 93065

Logan County Treasurer  
100 South Madriver Street  
Bellefontaine, OH 43311

American Express Centurion Bank  
6985 Union Park Center  
Midvale, UT 84047

Midland Funding  
 8875 Aero Drive  
 Suite 200  
 San Diego, CA 92123

General Audit Corporation  
 2348 Baton Rouge  
 C/o Scott G. Koenig  
 Lima, OH 45805

U.S. Bank National Association  
 200 South 6th Street  
 Attn: Michele V. Ritchie EP-MN-L22F  
 Minneapolis, MN 55402

/s/ Ronald C Taylor  
 Ronald C Taylor, Case Attorney  
 LERNER, SAMPSON & ROTHFUSS  
 Bar Registration No. 0083298  
 Amy D. Vogel, Esq.  
 Bar Registration No. 0075169  
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UNITED STATES BANKRUPTCY COURT  
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IN RE:

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Debtors

Case No. 10-57760

Chapter 7

Judge Caldwell

**NOTICE OF FILING OF MOTION FOR  
RELIEF FROM STAY OF FEDERAL  
HOME LOAN MORTGAGE  
CORPORATION,  
(PROPERTY ADDRESS: 212  
OAKCREST COURT, RUSSELLS  
POINT, OH 43348)**

**OFFICIAL FORM 20A**

Federal Home Loan Mortgage Corporation has filed papers with the Court to obtain relief from the automatic stay.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion for relief from stay, then within twenty-one (21) days from the date of this notice, you or your attorney must:

- \* File with the Court a written request for a hearing, and a written response setting forth the specific grounds explaining your position at:

Clerk, U.S. Bankruptcy Court  
120 North High Street  
Columbus, OH 43215

If you mail your request or response to the court for filing, you must mail it early enough so the

court will **receive** it on or before the date stated above.

You must also mail a copy to:

Brandon Russell Cogswell, Esq. - Attorney for Debtors  
214 S. Court St.  
Marysville, OH 43040  
flslaw@gmail.com

Sara J. Daneman - Trustee  
62 Mill Street  
Gahanna, OH 43230  
sjdtrust2000@yahoo.com

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
ustpreion09.cb.ecf@usdoj.gov

Ronald C Taylor, Esq. - Attorney for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
sohbk@lsrlaw.com

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: July 26, 2010

/s/ Ronald C Taylor  
Ronald C Taylor, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0083298  
Amy D. Vogel, Esq.  
Bar Registration No. 0075169  
Attorneys for Movant  
PO Box 5480  
Cincinnati, OH 45201-5480  
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The undersigned certifies that a copy of the foregoing Notice of Filing Motion for Relief from Stay of the secured creditor, Federal Home Loan Mortgage Corporation, was electronically transmitted on July 26, 2010 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

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214 S. Court St.  
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